

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

<p>TIMOTHY BOZUNG, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>CHRISTIANBOOK, LLC f/k/a CHRISTIAN BOOK DISTRIBUTORS CATALOG, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 1:22-cv-00304-HYJ-RSK</p> <p>Honorable Hala Y. Jarbou</p> <p>PLAINTIFF’S MOTION</p> <p>JURY TRIAL DEMANDED</p>
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**PLAINTIFF’S MOTION FOR RELIEF FROM
JUDGMENT PURSUANT TO FED. R. CIV. P. 59(e)
& FED. R. CIV. P. 60(b) AND FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 15(a)**

Plaintiff, individually and on behalf of all others similarly situated, files this Motion for Relief From Judgment pursuant to Federal Rules of Civil Procedure 59(e) and 60(b), and for Leave to File a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a):

1. On March 6, 2023, the Court issued its Order granting Defendant's Motion to Dismiss, ECF No. 52, and entered a Judgment dismissing the Complaint without prejudice. ECF No. 53.

2. Plaintiff has uncovered additional factual information that further bolsters the central allegations that Defendant disclosed its Michigan customers' Private Reading, Listening, and Viewing Information during the relevant time period, and allowing the case to proceed will prevent manifest injustice.

3. Attached as Exhibit 1 is Plaintiff's Second Amended Class Action Complaint ("SAC"), which includes the additional allegations referenced above, and which Plaintiff seeks leave to file in conjunction with this Motion.

4. On March 10, 2023, counsel for Plaintiff made contact with counsel for Defendant regarding concurrence in this Motion. On March 13, 2023, counsel for Defendant informed counsel for Plaintiff that Defendant does not assent to Plaintiff's Motion.

WHEREFORE, Plaintiff requests that the Court grant Plaintiff relief from judgment pursuant to Fed. R. Civ. P. 59(e) and/or Fed. R. Civ. P. 60(b), and leave to

file the proposed Second Amended Complaint, attached hereto as Exhibit 1, pursuant to Federal Rule of Civil Procedure 15(a).

Dated: March 14, 2023

Respectfully submitted,

/s/ E. Powell Miller

E. Powell Miller (P39487)

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Counsel for Plaintiff and the Putative Class

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ E. Powell Miller

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